

LEGAL SEPARATION WITHOUT CHILDREN

4

The Court Order

**Part 4: To get the Legal Separation Order
(Forms Packet)**

©Superior Court of Arizona in Maricopa County

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SELF SERVICE CENTER
COURT ORDER LEGAL SEPARATION

**Part 4: To Get the Legal Separation Order Without Children
(Forms Only)**

How to assemble these documents

This packet contains court forms to get the court order for legal separation without children. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRLSA8ft	Table of forms in this packet	1
2	DRLSA8k	Checklist to file for legal separation	1
3	DRLSA81f	<i>“Decree of Legal Separation--Without Children”</i>	9
4	DRS82f	<i>“Order of Assignment”</i>	1
5	DRS88f	<i>“Current Employer Information”</i>	1
6	DRS89f	<i>“Judgment Data Sheet”</i>	1

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**SELF SERVICE CENTER
LEGAL SEPARATION WITHOUT CHILDREN**

CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You or your spouse filed a Petition for Legal Separation without children, AND
- ✓ You and your spouse have no children with each other AND the wife is not pregnant by the husband or will not be pregnant by the husband before the legal separation decree is signed by the judge, AND
- ✓ You are ready to complete the court papers to get a legal separation decree, AND
- ✓ You are going to a default hearing, or you have filed the papers to get a default legal separation without a hearing, or both parties have signed the document consenting to the legal separation (Consent Decree papers), or you are going to a legal separation trial.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

Name of Person Filing Document: (A) _____
Address: _____
City, State, ZIP Code: _____
Telephone Number: _____
ATLAS Number (if applicable): _____
Attorney's Bar Number (if applicable): _____
Representing ☐ Self (Without Attorney) OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

Case Number: _____ (C)

(Name of Petitioner) (B)

**DECREE OF LEGAL SEPARATION
(Without Children)**

AND

☐ By Consent Decree OR
☐ By Default OR
☐ After Trial

(Name of Respondent)

THE COURT FINDS: (D)

1. This case has come before this court for a final Decree of Legal Separation. The court has taken all testimony needed to enter a final Decree, or has determined testimony is not needed to enter the final Decree.
2. This court has jurisdiction over the parties under the law, and the provisions of the Decree are fair and reasonable under the circumstances.
3. The court finds:
 - (a) At the time this action was filed, one of the parties lived in Arizona, or had lived in Arizona while a member of the United States Armed Forces.
 - (b) The provisions of A.R.S. § 25-381.09 relating to Conciliation Court either do not apply or have been met.
 - (c) The marriage is irretrievably broken or one or both of the parties desire to live separate and apart
 - (d) The other party does not object to the decree of legal separation.
 - (e) Where it has the legal power to do so and where it is applicable to the facts of this case, this court has considered, approved, and made orders relating to the issue of spousal maintenance, and the division of property and/or debts.
 - (f) ☐ The parties did not acquire any community property or debts during the marriage; **OR**
☐ The parties have agreed to a division of community property and/or debt as evidenced by their signatures on Exhibit A attached to and incorporated in this Decree; **OR**
☐ There is no agreement as to division of property and/or debt, but all community property and/or debt is divided pursuant to this Decree.
 - g) ☐ Wife is not pregnant; **OR**
☐ Wife is pregnant, and the other party (husband) IS NOT the father of the child.
 - (h) ☐ The Petitioner, **OR**
☐ The Respondent
Lacks enough property, including property given to him or her as part of this legal separation, to provide for his or her reasonable needs, and is unable to support himself or

herself through an appropriate job, or he or she is providing the primary care to a child(ren) of young age or is of a condition that he or she should not be required to look for work outside of the home, or lacks earning ability necessary to support himself or herself, or contributed significantly to the educational opportunities of the other spouse, or had a marriage that lasted a long time and is of an age which may severely limit the possibility of getting a job in order to support himself or herself.

THE COURT ORDERS: (E)

1. The parties are legally separated.
2. **ENFORCEMENT OF TEMPORARY ORDERS:** All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of ALL temporary orders here) _____ shall be satisfied in full or judgment is awarded against the party with the obligation up to the amount due and owing as of the date of this Decree, together with the highest legal interest allowed by law.
3. **SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):**
 - (a) ☐ Neither party shall pay spousal maintenance/(alimony) to the other party; **OR**
 - (b) ☐ Petitioner, **OR**
 - ☐ RespondentIs ordered to pay ☐ Respondent, **OR** Petitioner the sum of \$_____ per month spousal maintenance **BEGINNING THE FIRST DAY OF THE MONTH** after this Decree is signed. Each payment shall be made by the first day of each month thereafter and shall continue until the receiving party is deceased or until _____. All payments shall be made through the Clerk of this Court/Clearinghouse by automatic wage assignment, until all required payments have been made under this Decree. Payments made shall be included in the receiving spouse's taxable income and are tax deductible from the paying spouse's income as required by law.
4. **PROPERTY AND DEBTS:**
 - (a) ☐ Petitioner is ordered to pay all debts unknown to Respondent.
 - (b) ☐ Respondent is ordered to pay all debts unknown to Petitioner.
 - (c) ☐ Each party is ordered to pay his or her debts which he or she incurred since the date of the parties' separation, _____ (date).
 - (d) ☐ Other orders and relief relating to community property or debts are contained in Exhibit A relating to the division of community property and debts, which is attached and incorporated into and made a part of this Decree.
 - (e) ☐ Each party is assigned his or her separate property as contained in Exhibit A relating to the separate property and debts, which is attached and incorporated and made a part of this Decree.
 - (f) ☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of titles ordered in this Decree, such as motor vehicles, houses, and bank accounts. The parties shall transfer all real and personal property as described in Exhibit A to the other party on or before _____ by 5:00 p.m.
If the party required to transfer the property has not transferred the property to the other party entitled to receive the property on or before the date and time listed above, the party entitled to receive the property is entitled upon application to a Writ of Assistance or Writ of Execution to be issued by the Clerk of the Court commanding the sheriff to put him or her in possession of the property.

- (g) ☐ For previous calendar years, the parties shall file
☐ joint federal and state income tax returns and hold the other harmless from of all additional income taxes, if any, and other costs, and each shall share equally in any refunds, **OR**
☐ separate federal and state income tax returns.

AND

- ☐ This calendar year and continuing thereafter,
☐ joint federal and state income tax returns and hold the other harmless from of all additional income taxes, if any, and other costs, and each shall share equally in any refunds, **OR**
☐ separate federal and state income tax returns.

AND

Each party shall give the other party all necessary documentation to file all tax returns.

5. **LIMITATION ON JURISDICTION:** This court cannot make a legal order, without personal service on the Respondent, with respect to issues of community property and debt or spousal maintenance.

DONE IN OPEN COURT this ____ day of _____, _____. **(F)**

JUDGE OR COURT COMMISSIONER

APPROVED AS TO FORM AND CONTENT BY:

Approved by Petitioner: _____

Subscribed and sworn to me by the Petitioner, on this day _____.

Notary Public

My Commission Expires: _____

DECREE OF LEGAL SEPARATION WITHOUT CHILDREN

If you are filing a Consent Decree, the Respondent must also sign:

Approved by Respondent: _____

Subscribed and sworn to me by the Respondent, on this day of _____.

My Commission Expires: _____

Notary Public

If either party is represented by a lawyer, the lawyer must also sign:

Approved by Petitioner's Lawyer: _____

Date: _____

Approved by Respondent's Lawyer: _____

Date: _____

(If you are the Petitioner and you have a Default Hearing, and the Respondent was served with the court papers by signing an Acceptance of Service, or by Registered Process Server or Sheriff, you must mail or give a copy of the Decree to the Respondent after the Judge has signed it. You must tell the court you will do this.)

By signing below, Petitioner promises that a copy of the Decree will be mailed to Respondent.

**A copy of the Decree will be mailed to
the Respondent at the following address:**

Respondent's Name: _____

Address: _____

City, State, Zip Code: _____

Petitioner's signature: _____

Date: _____

EXHIBIT A: PROPERTY AND DEBTS (G)

Instructions: You must be specific. You must describe the property and/or debt that should go to or be paid by you and then check that box. You must describe the property and/or debt that should go to or be paid by the other party and then check that box. For example, under household furnishings you could say, blue and white living room sofa, and then check the box to say whether it should go to you or to the other party. Never list an item and then check both the Petitioner box and the Respondent box.

6a. DIVISION OF COMMUNITY PROPERTY:

☐ The community property is awarded to each party as follows:

**6b. LIST OF COMMUNITY PROPERTY
AWARD TO:**

	Petitioner	Respondent
<input type="checkbox"/> Household furniture/furnishings	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Appliances	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> VCR	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> TV	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Personal Computer	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Stereo	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> State Income Tax Refund for current calendar year	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Federal Income Tax Refund for current calendar year	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Cash, bonds of _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Award each party the personal property in his or her possession.		
<input type="checkbox"/> Continued on reverse side or see attached list.		

6c. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION

(WARNING. You should see a lawyer about your retirement, pension, deferred compensation, 401k plans and/or benefits. If you do not see a lawyer regarding these assets, you risk losing any

interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. Only a lawyer can help you prepare these documents.)

- ☐ Award each party his or her interest in any and all retirement benefits, pension plans, or other deferred compensation described as:

OR

- ☐ Each party **WAIVES AND GIVES UP** his or her interest in any and all retirement benefits, pension plan, or other deferred compensation of the other party:

Signature of Petitioner: _____

Signature of Respondent: _____

OR

- ☐ Neither party has a retirement, pension, deferred compensation, 401K Plan and/or benefits.

6d. DIVISION OF REAL PROPERTY: Section A is for one piece of property. Section B is for another piece of property. If you own more than two pieces of property, check the box and attach another sheet of paper with the information requested in A and B.

- A. Real property located at (address)_____ and which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

- ☐ Awarded to ☐ Petitioner or ☐ Respondent as his or her sole and separate property.

OR

- ☐ Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to Petitioner.

_____ % or \$ _____ to Respondent.

- ☐ ☐ Petitioner or ☐ Respondent has signed a Quit Claim Deed quit claiming and transferring all right, title and interest to the real property to the other party. A copy of which is attached as Exhibit B. The Deed shall be recorded after the Judge signs the Decree.

- ☐ _____ Is appointed real estate commissioner to sell this real property.

- B. Real property located at (address)_____ and which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to

court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

☐ Awarded to ☐ Petitioner or ☐ Respondent as his or her sole and separate property.

OR

☐ Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to Petitioner.

_____ % or \$ _____ to Respondent.

☐ ☐ Petitioner or ☐ Respondent has signed a Quit Claim Deed quit claiming and transferring all right, title and interest to the real property to the other party. A copy of which is attached as Exhibit B. The Deed shall be recorded after the Judge signs the Decree.

☐ _____ Is appointed real estate commissioner to sell this real property.

☐ Continued on reverse side or see attached list.

6e. DIVISION OF COMMUNITY DEBTS: (You should see a lawyer about how to divide secured and unsecured debts.)

☐ The community debts shall be divided as follows:

Creditors	Amount owed	Petitioner	Respondent
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

Creditors	Amount owed	Petitioner	Respondent
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

☐ Continued on reverse side or attached list.

6f. ☐ Any debts or obligations incurred by either party before the date of separation that are not identified in the list above or attached shall be paid by the party who incurred the debt or obligation and that party shall indemnify and hold the other party harmless from such debts.

6g. SEPARATE PROPERTY.

☐ The separate property is awarded to each party as follows:

Description	Value	Petitioner	Respondent
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

6h. SEPARATE DEBT:

☐ The separate debts shall be the responsibility of the person as described below.

Creditors	Amount owed	Petitioner	Respondent
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

☐ Continued on reverse side or attached list.

6i. SIGNATURES:

Approved by Petitioner: _____

Subscribed and sworn to me by the Petitioner, on this day _____.

My Commission Expires: _____

Notary Public

If you are filing a Consent Decree, the Respondent must also sign:

Approved by Respondent: _____

Subscribed and sworn to me by the Respondent, on this day _____.

My Commission Expires: _____

Notary Public

If either party is represented by a lawyer, the lawyer must also sign:

Approved by Petitioner's Lawyer: _____

Date: _____

Approved by Respondent's Lawyer: _____

Date: _____

THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

(1) _____)
Petitioner/Plaintiff)
vs.)
(2) _____)
Respondent/Defendant)

(3) Case Number: _____

(4) ATLAS Number: _____

ORDER OF ASSIGNMENT

TO: Current and future employers or other payors of:
(5)

Name: _____ SSN: _____

This order modifies and replaces any previous "Order of Assignment" with the same case number.

You shall withhold court-ordered payments as follows:

Current Child Support	\$ _____
Current Spousal Maintenance/Support	\$ _____
Payments on Arrears / Interest	\$ _____
Clearinghouse Handling Fee	\$ _____ 2.25 per month*
TOTAL AMOUNT per month	\$ _____, but no more than

50% of disposable earnings (A.R.S. § 33-1131). *The Clearinghouse handling fee is set by statute and subject to change (A.R.S. § 25-510).

This **"Order of Assignment"** is effective immediately upon receipt by an employer or other payor, including self-employed persons, and continues until further Order, or until a period of 90 continuous days from the last payment to the Obligor. If you are again obligated to pay monies to the Obligor within 90 days, you are again bound by **this "Order of Assignment."** Payment must be sent to the Support Payment Clearinghouse within two (2) business days of the date the monies were withheld.

You shall NOT discharge or otherwise discipline the person named in this assignment, because of service of this "Order of Assignment."

The above ATLAS number and employee's name **must** appear on the *Transmittal Form or check*. Make payments payable and send to:

Support Payment Clearinghouse, P.O. Box 52107, Phoenix, AZ 85072-2107

Dated this _____ day of _____, 20____.

Judicial Officer or Clerk of Superior Court

CURRENT EMPLOYER INFORMATION

You may also fill out this form online at the Family Support Center Website at:

<http://www.familysupportcenter.maricopa.gov>

THIS FORM MUST BE COMPLETED FOR:

- ☐ **AN ORDER OF ASSIGNMENT (STAPLE TO THE ORDER OF ASSIGNMENT)**
- ☐ **ORDER TO STOP AN ORDER OF ASSIGNMENT (STAPLE TO THE STOP ORDER)**
- ☐ **NOTIFICATION OF A CHANGE OF EMPLOYER**

CASE NUMBER: _____ **ATLAS NUMBER:** _____

PAYOR NAME: _____ **SSN:** _____
(PERSON TO MAKE PAYMENTS)

LIST ONLY THE EMPLOYER'S NAME AND PAYROLL ADDRESS WHERE THE ORDER OF ASSIGNMENT OR STOP ORDER SHOULD BE MAILED.

CURRENT EMPLOYER NAME: _____

PAYROLL ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

EMPLOYER TELEPHONE: _____

EMPLOYER FAX: _____

FOR COURT USE ONLY. DO NOT WRITE BELOW THIS LINE.

WA/FSC

WA/LOG ID:	_____
TYPE OF W/A	_____
DATE	_____
AMOUNT OF ORDER	_____
EMPLOYER STATUS	_____
ENTERED BY	_____
NEW W/A	_____
AG	_____
	SUB _____
	DCSE _____

Case No. _____

ATLAS No. _____

JUDGMENT DATA SHEET (FOR INTERNAL USE ONLY*)

ATTENTION: COURT DIVISION AND STAFF. DO NOT FILE THIS DOCUMENT. DO NOT DISTRIBUTE THE COMPLETED JUDGMENT DATA SHEET TO THE PARTIES. THIS FORM IS FOR CLERK OF COURT INTERNAL USE ONLY.

PERSON TO RECEIVE PAYMENTS:

Name: _____

Gender: ☐ Male ☐ Female Date of Birth: _____

SSN: _____

Mailing Address: _____

Daytime Phone: _____

Evening Phone: _____

Other (cell, pager): _____

Email Address: _____

PERSON TO MAKE PAYMENTS:

Name: _____

Gender: ☐ Male ☐ Female Date of Birth: _____

SSN: _____

Mailing Address: _____

Daytime Phone: _____

Evening Phone: _____

Other (cell, pager): _____

Email Address: _____

EMPLOYER INFORMATION FOR PERSON MAKING PAYMENTS: Firm Name: _____

Payroll Mailing Address: _____

Phone: _____

Email Address: _____

CHILDREN:

Name	Gender (M/F)	Date of Birth	Social Security No. (if available)
------	--------------	---------------	------------------------------------

_____	_____	_____	_____
-------	-------	-------	-------

_____	_____	_____	_____
-------	-------	-------	-------

_____	_____	_____	_____
-------	-------	-------	-------

_____	_____	_____	_____
-------	-------	-------	-------

_____	_____	_____	_____
-------	-------	-------	-------

☐ Additional children listed on attached sheet.

FOR COURT USE ONLY

Order Date: _____	Type of Order: _____			
Current Child Support	Arrearages	Current Spousal Maint.	Arrearages	Miscellaneous
Amount _____	Amount _____	Amount _____	Amount _____	Med Ins _____
Frequency _____	Frequency _____	Frequency _____	Frequency _____	Frequency _____
Due Date _____	Total _____	Total _____	Total _____	Med Bills _____
	Thru Date _____	Due Date _____	Thru Date _____	Frequency _____
	Due Date _____		Due Date _____	Due Date _____